

ONE HUNDRED THIRD LEGISLATURE - SECOND SESSION - 2014
COMMITTEE STATEMENT
LB877

Hearing Date: Thursday January 30, 2014
Committee On: Judiciary
Introducer: Harr
One Liner: Change provisions relating to use of a deadly weapon to commit a felony

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 6 Senators Ashford, Christensen, Davis, Lathrop, McGill, Seiler
Nay:
Absent: 2 Senators Chambers, Coash
Present Not Voting:

Proponents:
ANDY HALE
DON KLEINE

Representing:
INTRODUCER ON BEHALF OF SEN. HARR
DOUGLAS COUNTY ATTORNEY, NEBRASKA
COUNTY ATTORNEYS

Opponents:
CHRIS EICKHOLT

Representing:
NCDA

Neutral:
ROD MOELLER

Representing:
NEBRASKA FIREARMS OWNERS ASSOCIATION

Summary of purpose and/or changes:

Section 1 would amend section 28-1205, to include use of a facsimile firearm or nonfunctioning firearm in the "use of a deadly weapon to commit a felony" offense.

LB877 provides that use of a "facsimile firearm or nonfunctioning firearm" to commit a felony is a Class III felony.

A facsimile firearm means an instrument which could reasonably be perceived to be a real firearm which includes, but is not limited to, a replica gun, an imitation gun, a BB gun, a pellet gun, a paintball gun, a toy gun, a lighter gun, or any other instrument that is fashioned to be perceived as a real firearm by a reasonable person.

Section 2 repeals the amended provision.

Explanation of amendments:

AM2751 to LB877 changes the definition of "facsimile firearm."

A facsimile firearm means an instrument which was reasonably perceived by the victim to be a real firearm.

Brad Ashford, Chairperson